

**Draft Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
January 18, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on January 18, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

Introductions

- Attendees were welcomed to the Plenary Group meeting and all participants introduced themselves and their affiliations. The Plenary Group meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively.
- The Facilitator reminded Plenary Group participants of their responsibilities under the Ground Rules. The Ground Rules were established and accepted by the Plenary Group to discuss and resolve issues throughout the relicensing process. The Facilitator offered to meet with Plenary Group members individually or collectively to explain the relicensing process.
- One participant suggested that DWR had been ‘gunnysacking’ an issue regarding a local business permit application. It was also suggested that DWR engaged in “closed door negotiations” with the business permit applicant. The participant requested that DWR bring a written statement to the Recreation and Socioeconomics Work Group stating it would not participate in “closed door negotiations”. DWR responded that the proposed local business project was proceeding through the standard county permitting process and had been for over a year. DWR stated that its involvement with the local business was limited to a separate permitting process. DWR told the group that activities concerning projects within the community that involve non-relicensing issues would likely continue during the relicensing process and should be evaluated on a case-by-case basis. Plenary Group participants should discuss such projects to determine whether inclusion in the relicensing process is appropriate.

Update on Relicensing Activities

- Rick Ramirez informed the Plenary Group that FERC had approved the use of the Alternative Licensing Procedures (ALP). He reported that several letters of support for use of the ALP had been received by FERC. He added that the Plenary Group’s agreement on the Communications Protocol and Group Structure Documents during this meeting would help pave the way for meaningful discussions and agreements on other relicensing issues.
- The Environmental Work Group and the Recreation and Socioeconomics Work Group met on December 7, 2000. The Engineering and Operations Work Group will meet at the end of February or early March. Other Work Groups will be initiated soon.
- Rick reported that FERC addressed an issue raised by a Federally recognized Indian Tribe and suggested that DWR meet with the Tribe to discuss their concerns. DWR will meet with the Tribe to discuss the ALP and its role in the relicensing process.

- The Initial Information Package (IIP) has been completed and is currently being printed. The Executive Summary of the IIP was distributed to the Plenary Group, and the full document will be available at the next set of Work Group meetings. The IIP will be available on the relicensing web site in the near future.

FERC Role in the ALP

Jim Fargo, FERC team leader for this project, described his role in the ALP process. He discussed the positive aspects of using the ALP in comparison to the traditional process. Jim mentioned that additional FERC staff will assist with fisheries, environmental compliance, recreation and other relicensing issues as required. Jim also identified the roles and responsibilities of various participants in the ALP process as follows:

FERC's Role:

- ♦ Participate in scoping of issues, reviewing study plans, and assist with preparing the NEPA document
- ♦ Bring knowledge of how issues have been resolved in other cases
- ♦ Suggest ways to consider power and non-power resources in deciding among competing issues
- ♦ Participant in the ALP

Agencies' Role (includes entities with mandatory conditioning authority)

- ♦ Help identify issues and develop study scopes
- ♦ Incorporate agency statutory requirements with the NEPA and relicensing process
- ♦ Work cooperatively to reach consensus on land management decisions and US Fish and Wildlife Service recommendations

Public Role

- ♦ Identify issues and work with others to help resolve them
 - ♦ Comment on relicensing documents of interest
- One participant requested clarification on the discussion of the 603 Process. Jim explained the 603 Process was initiated by Congress to simplify the relicensing process by identifying the most beneficial options available to licensees. The ALP is more time consuming and expensive, but it requires fewer re-hearings once a license is issued. The traditional approach is faster and less expensive, but it has a higher rate of challenge.
 - The group asked whether FERC had a preference for input from entities with mandatory conditioning responsibilities in the relicensing process. Jim responded that the preference was for early consultation. He stated that FERC does not have the authority to direct the actions of participating agencies, and an agency can request that a license be reopened at any time.
 - A participant requested clarification regarding flexibility of the license application filing date. Jim responded that the application has a firm filing due. However, the license application can be amended and settlement agreements can be reached at any time after an application has been filed at FERC.

Action Items – November 16, 2000 Plenary Group Meeting

The Facilitator reviewed the status of action items from the previous Plenary Group meeting.

Comments Received on Communications Protocol & Group Structure Documents

Comments from Trout Unlimited, The State Water Contractors, Feather River Nature Center, and City of Oroville were submitted to DWR and distributed to the Plenary Group mailing list prior to the meeting. Additional copies of the comments were provided at the meeting. The Facilitator asked each entity to briefly discuss their submittals.

The Trout Unlimited letter was summarized as follows:

- The ALP goal is to reach settlement. This needs to be clearly stated in the documents.
- Consensus needs to be clearly defined in the documents.
- Public communications (e-mails, fax's, phone calls, etc.) should have a defined protocol in order to maintain a unified record.
- The collaborative effort needs to be managed to succeed. There may be elements within these documents that stand in the way of that happening.
- All documents should be revised using one-text editing (strikeout/add mode).
- Media involvement in the process needs to be clearly outlined.

The State Water Contractors letter was summarized as follows:

- The goal of the relicensing effort is to work toward settlement agreements. The importance of this goal should be clarified.
- A neutral Facilitator should be used for all Plenary Group and Work Group meetings, and for Task Force meetings, as required.
- The consulting team works for the success of the collaborative process, not necessarily for DWR. This needs to be clearly stated.
- The dispute resolution protocol should be expanded to include differences between individuals as well as agencies.
- Collaborative process breakdown should be broadened to include other criteria than meeting attendance.
- Group structure as it applies to the Land Use Work Group needs to be clarified.

The Feather River Nature Center letter was summarized as follows:

- Communications between DWR and the community need to be improved
- Residents need to be seen as customers or clients of DWR. This view is especially true when residents either provide or consume recreation services.

Gordon Andoe, representing the City of Oroville, stated that his letter addressed concerns regarding meeting notification lead-time and distribution of meeting summary information. He also stated DWR had already addressed his concerns. DWR agreed to make meeting agendas and notifications available at least 15 days prior to the meeting. DWR also agreed to post meeting summaries within 15 days of the meeting.

The Facilitator suggested that a Task Force be formed to resolve recommended revisions to the documents and then report back to the Plenary Group at their next meeting. The Plenary Group agreed and determined representatives from the four commenting entities should be included on the Task Force, as well as other individuals from the Plenary Group.

- There was some concern that the Task Force would be considering modifications to the documents while the Work Groups are utilizing provisions from the documents. DWR explained that the documents are intended to be flexible and changed as needed. The Plenary Group agreed that relicensing activities could proceed while revisions were being made.
- Jim Fargo expressed concern that the protocol for informal communications may be difficult to follow. He also stated that FERC did not have such a strict requirement. Jim suggested

that the need to document informal communications should be left to the individual to determine if the content requires documentation. This would apply to oral communications as well. The Task Force agreed to include this issue in their discussions.

- One participant suggested that Plenary Group meetings be recorded and transcribed. The Task Force will consider this suggestion. The Task Force will also provide a recommendation for clarifying the difference between a public document and a confidential document.
- Plenary Group participants discussed the need for open communication between Work Groups. The Plenary Group agreed there will be significant overlap regarding some Work Group issues, and it would be important to be aware of studies other Work Groups are pursuing.
- One participant asked how water resources issues would be handled. DWR stated the Plenary Group would likely address overlapping water issues common to all Work Groups. The Environmental Work Group will address water quality and other aquatic resource issues, and energy issues will be addressed in the Engineering and Operations Work Group.
- The Plenary Group discussed the potential structure of the Land-Use Work Group. One participant suggested that a representative from each Work Group be identified to act as a liaison to the Land-Use Work Group. It was agreed that while others would be expected to participate, the liaison would be charged with communicating activities relevant to land use issues between their Work Group and the Land-Use Work Group.

Potential Funding & Participant Support Services

At the November 18, 2000 Plenary Group meeting, DWR agreed to investigate funding and support mechanisms for local participants. DWR reported that a number of actions had been taken to assist individuals participating in the process including:

- ♦ Meetings held in Oroville to help defer travel costs to residents;
- ♦ The relicensing web site contains regularly updated process information so participants can be engaged without attending all the meetings; and
- ♦ A project information repository and Internet access center is being established at the local library (including a T-1 Internet access line to help download large files quickly).

DWR explained that a number of funding options are being considered but added that direct support to participants would be difficult because it would require DWR to enter service contracts with each individual. DWR is looking at alternatives, but most of the examples reviewed apply to private licensees and do not apply to a State Agency.

One participant asked whether the JPA agreement could be used to provide the services discussed at the last Plenary Group meeting. DWR responded that it should be possible to provide some services through the JPA agreement, but the details of the JPA agreement are still being finalized.

One participant asked whether DWR was making provisions to provide financial assistance to Non-Governmental Organizations. DWR stated it was still reviewing options but had not developed a recommendation.

Work Group Updates

Environmental Work Group

Steve Ford provided an update of the December 7, 2000 Environmental Work Group meeting. He stated the meeting primarily covered process issues. He mentioned that a number of new issues had been added to the existing list of potential environmental issues. Environmental Work Group participants voiced concern with the level of participation in the first meeting. DWR is currently contacting key parties that did not attend the first Environmental Work Group meeting to encourage their participation in the relicensing process. The Work Group also identified a number of issues that may be more appropriately addressed in other Work Groups. Steve indicated DWR would be working to inform the appropriate Work Groups of these issues.

- The Plenary Group briefly discussed the complications that could arise from various environmental laws and agency mandates. One participant cautioned that focusing on ESA could be problematic since it has special procedures separate from FERC's relicensing process. He indicated that sometimes ESA gets implemented in the relicensing process separately and after the fact.
- Next Environmental Work Group meeting:
January 24, 2001
9:30 am to 3:00 pm
Eagles Hall, Oroville
- Environmental Work Group Agenda includes:
Agency Presentations– Roles and Responsibilities
Facilities Operations Presentation
Initial Information Package Presentation

Recreation and Socioeconomics Work Group

Dale Hoffman-Floerke provided an update of the December 7, 2000 Recreation and Socioeconomics Work Group meeting. She also indicated the meeting primarily covered process issues. She added that the Recreation and Socioeconomics Work Group made additions to the list of potential issues to be studied during the relicensing process.

- A participant asked if any progress had been made on projects or processes that might be addressed independent of the relicensing effort. DWR expressed a concern that this issue could sidetrack the Recreation and Socioeconomics Work Group and stated a Task Force should be established to focus on developing a list of projects for consideration for more immediate action. The potential of creating a Task Force will be discussed during the next Recreation and Socioeconomics Work Group meeting.
- A participant asked if a deadline existed for proposing additional projects for consideration by the Recreation and Socioeconomics Work Group. DWR responded that there was no deadline, but that new issues or ideas should be brought to the Work Groups early in the relicensing process. Jim Fargo added that a FERC representative will attend the next Recreation and Socioeconomics Work Group meeting to help with this issue. Jim cautioned that it might not be as easy as forming a list, and then implementing the projects; he stated FERC will be interested in the types of projects being proposed.
- DWR mentioned that many of the projects could fall under the existing Land-Use Article, which allows DWR to do certain activities during the relicensing process. The article covers maintenance on facilities and lands within the project boundary. DWR speculated that it might be possible to implement some interim projects under this authority and stated that additional information would need to be gathered regarding this issue.

- Next Recreation and Socioeconomics Work Group meeting:
January 26, 2001
6:00 pm to 10:00 pm
Eagles Hall, Oroville
- Recreation and Socioeconomics Work Group Agenda includes:
Agency Presentation – Roles and Responsibilities
Facilities Operations Presentation
Initial Information Package Presentation

Project Valuation

DWR reported that a request had been made at the Environmental Work Group to have a report on the “value of the project” at the next Plenary Group meeting. DWR requires clarification from the individual who initially made the request before proceeding.

Milestone Schedule

A draft schedule of Oroville Facilities relicensing activities for 2001 was distributed to participants (Attachment 3). DWR explained the Plenary Group’s function relative to activities outlined in the schedule and the objective of fulfilling FERC’s relicensing requirements. One important goal is to begin field studies by November 2001. To meet this schedule, the Scoping Document identifying specific issue areas would need to be completed by the end of April 2001. Scoping Document development allows an additional opportunity for the public to provide input and determine issue areas to be studied during the relicensing process.

- One participant asked if additional Plenary Group meetings would be held during 2001. DWR responded that the Plenary Group would meet during key points in the schedule. It was agreed that issues would be developed and addressed by the Work Groups for consideration and approval by the Plenary Group. The schedule should reflect critical paths and linkages between Plenary Group and Work Group activities. DWR agreed to develop a draft schedule including specific dates and times for Plenary Group meetings. The schedule would include critical paths and linkages to issues, milestones, and Work Group activities.
- A participant asked the significance of the two-month comment period for Scoping Document comments. DWR responded that this amount of time was not uncommon because a variety of agencies and individuals would provide comments on the Scoping Document.
- A suggestion was made that the Facilities Operations Presentation planned for the Work Groups should also be presented at the next Plenary Group meeting. DWR agreed to develop a shorter version of the presentation for the next Plenary Group meeting.

Initial Information Package

The Executive Summary of the Initial Information Package (IIP) was distributed to the Plenary Group. DWR informed the group that the complete IIP would be distributed at the Work Group meetings and posted on the relicensing web site.

Next Meeting

The Plenary Group agreed to the following date and time for their next meeting:

Date: Wednesday, February 28, 2001
Time: 5:00 pm to 9:00 pm
Location: To be announced

The Plenary Group meeting was adjourned at 9 pm.

Decisions Made

1. Participants agreed to form a Task Force to recommend changes to the Communications Protocol and the Group Structure Documents.
2. Participants agreed the Work Groups could continue to function as described in the Group Structure Documents and Communications Protocol, pending proposed revisions to those documents by the Task Force.
3. While recognizing that the draft schedule for 2001 is ambitious, participants expressed general agreement with the schedule. Participants asked that a more detailed schedule be prepared for the next Plenary Group meeting with critical paths and potential meeting dates identified.
4. The Plenary Group agreed to meet again on February 28, 2001 from 5:30 pm to 9:00 pm.
5. DWR agreed to make summaries available within 15 days of Plenary Group and Work Group meetings.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant(s) responsible for the action, and item status.

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| Action Item #1: | Task Force will revise Communications Protocol and Group Structure Documents and report back to the Plenary Group for discussion. |
| Responsible: | Task Force |
| Due Date: | February 28, 2001 |
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| Action Item #2: | Share information from other relicensing processes regarding decision-making models |
| Responsible: | Participants involved in other similar or relevant relicensing processes |
| Due Date: | February 28, 2001 |
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| Action Item #3: | Present detailed schedule defining critical paths and linkages between Plenary Group and Work Group activities |
| Responsible: | DWR |
| Due Date: | February 28, 2001 |
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| Action Item #4: | Develop definition of "Socioeconomics" as it applies to the relicensing process |
| Responsible: | DWR |
| Due Date: | February 28, 2001 |
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| Action Item #5: | Present overview of facilities operations |
| Responsible: | DWR |
| Due Date: | February 28, 2001 |
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| Action Item #6: | Clarify Communications Protocol for detail regarding process for notification of Work Group meetings, and posting meetings agendas 15 days in advance of the meeting |
| Responsible: | DWR |
| Due Date: | February 28, 2001 |
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| Action Item #7: | Coordinate Land Use Work Group activities with local agencies (County Fire, City Police, County Sheriff, etc.) |
| Responsible: | DWR |
| Due Date: | On-going |
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| Action Item #8: | Include a discussion of the Initial Information Package at the next Plenary Group Meeting. |
| Responsible: | DWR |
| Due Date: | February 28, 2001 |

**Plenary Group Meeting Agenda
Oroville Facilities Relicensing (FERC Project No. 2100)
January 18, 2001**

Agenda

Desired Outcomes

- *Update on Relicensing Activities*
- *Agreement on Communications Protocol and Group Structure Documents*
- *Understanding of and Concurrence with Milestones and Schedule*
- *Ongoing DWR and Anticipated Studies*
- *Next Steps for Plenary Group*

- 1. Welcome, Introductions, Update on Relicensing Activities, and Meeting Objectives**
- 2. November 16, 2000 Meeting Summary and Action Items**
 - Communications Protocol and Group Structure Documents – Comments Received
 - Discussion of Potential Funding and Support Services for Participants
 - Work Group Reports
 - Project Valuation
- 3. Milestone Schedule**
 - Initial Information Package
 - Scoping Process
 - Study Plans
 - Field Studies
 - Environmental Assessment and License Application
- 4. Studies**
 - Ongoing Studies by DWR
 - Studies by Others
- 5. Action Items, Future Meeting Schedule, and Next Steps**
 - Work Groups
 - Plenary Group

**Plenary Group Meeting Attendees
Oroville Facilities Relicensing (FERC Project No. 2100)**

Gordon Andoe	City of Oroville / Joint Powers Authority
Art Angle	Enterprise Rancheria
Andy Atkinson	California Department of Fish & Game / Oroville Wildlife Management
R.J. Beeler	Butte County Supervisor, District I
Don Blake	Greater Oroville Leadership for Development
Marion Blake	The Opportunity Bulletin
Sonny Brandt	Feather River Recreation District / Joint Powers Authority
Frank Cotton	Santa Clara Valley Water District
Marylin Cotton	Castaic Lake Water Agency
Ed Craddock	Butte County
Ron Davis	Oroville Pageant Riders
Annette DeBrotherton	First Salmon Ceremony Native American Coalition
Dick Dunkel	Lake Oroville Fish Enhancement Committee
Jim Edwards	Berry Creek Rancheria Tribal Chair
Terry Erlewine	State Water Contractors
Craig Fleming	US Fish & Wildlife Service, Anadromous Fish Restoration Program
Kathryn V. Foley	Department of Parks & Recreation, Northern Buttes District
Ray Gannett	Funtime Fulltime Inc., dba Bidwell Marina
Floyd Higgins	Oroville Model Airplane Club
Tres Hobbie	ORAC & Citizens for the Fair and Equitable Recreation Use of Lake
Cathy Hodges	Equestrian Trail Riders / Hiker
Wade Hough	Butte Sailing Club, ORAC
Craig T. Jones	State Water Contractors
D.C. Jones	Resident
Frances Kelley	Butter County Citizens for Fair Government
Mike Kelley	Butte County Tax Payers Association
Jessie Koi	Mechoopda Indian Tribe
Al Koslin	
John Lance	Department of Water Resources
Bill Lewis	City of Yuba City
Peter Maki	Feather River Nature Center
Pam McHenry	Mechoopda Indian Tribe
Mike Meinz	California Department of Fish & Game
Nan Nalder	Acres International / State Water Contractors
John Peconom	Kleinschmidt
Michael Pierce	ORAC - Butte County Alternate
Douglas Poppelreiter	Lake Oroville Fish Enhancement Committee
Patrick J. Porgans	Porgans & Associates
Henry (Rick) Ramirez	California Department of Water Resources
Richard Roos-Collins	Natural Heritage Institute / Environmental Defense
Bob Sharkey	Feather River Recreation & Parks District
J.D. Smith	Berry Creek Rancheria
Sharon Stohrer	State Water Resources Control Board
Mike Taylor	Plumas National Forest
Mike Vrooman	Resident on Feather River
Harry Williamson	National Park Service
Rickie D. Wilson	Enterprise Rancheria
Ed Winkler	Metropolitan Water District of Southern California

**Year 2001 Schedule
Oroville Facilities Relicensing (FERC Project No. 2100)**

<u>ACTIVITY</u>	<u>DATE</u>
Initial Information Package (IIP)	Early January
Plenary Group Meeting	January 18
Work Group Meetings	
Issues Identification	January/February
Issue Development	February/March/April
Study Plan Development	April to August
Scoping Document	April 30
Scoping Meeting/Site Visit	May 31
Comments on Scoping Document	July 30
Meetings on Scoping Document Comments	August
Finalize Study Plans	October
Initiate Field Studies	November

**Notes from Flip Charts
Oroville Facilities Relicensing (FERC Project No. 2100)**

The following list was recorded on flip charts during the Plenary Group Meeting. The flip chart listing is not intended to be a transcript or analysis of the meeting or to indicate agreement or disagreement with the items listed; the intent is to provide a summary for informational purposes for interested parties who could not attend the meeting.

- Butte County Planning Commission (mineral resources issue) special use permit – request for clarification of Department role from DWR staff
- Alternative License Procedure approved by FERC
- Complete Initial Information Package available next week – Executive Summary available today
- Elaborate ALP Process
 - Define “consensus”
 - Define “dispute resolution”
- Is there a communication protocol for e-mail?
- The relicensing process should be planned and managed to succeed
 - Develop media participation protocol
- Where do statewide power generation interests fall?
- Meetings should be recorded
- Workgroup divisions
 - Land Use Work Group – One member from each of the other Work Groups plus interested parties
 - What will other Work Groups be looking at?
 - Environmental
 - Recreation and Socioeconomics
 - Operations – Modeling flood operations
 - Where does water resources fit?
- Task Force to resolve revisions to the Communication Protocol and Group Structure Documents:
 - Peter Maki
 - State Water Contractors
 - Gordon Andoe
 - Richard Roos-Collins
 - Jim Fargo
 - Craig Fleming
 - Pete Soderberg
 - DWR
 - Mike Taylor
 - Kathy Hodges
- Agenda Items for next Plenary Group meeting
 - Task Force Report on revision to Communications Protocol and Group Structure Documents
 - IIP Discussion
 - Detailed Schedule – FERC
 - Socioeconomics – Defined
 - Education presentation – Facility operation
 - Critical path & expanded schedule
 - US Fish and Wildlife Service integration of Endangered Species Act
- Next Plenary Group meeting
 - February 28, 2001
 - Evening meeting – Time and location to be announced